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6                   **UNITED STATES DISTRICT COURT**  
7                   **DISTRICT OF NEVADA**  
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9 PHILIP SABATINO OGNIBENE,

Case No.: 2:12-CV-01307-RCJ-GWF

10                   Plaintiff,

11                   vs.

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE PURSUANT TO LOCAL  
RULE 41-1**

12 PHILIP SABATINO LAGORI, *et al.*,

13                   Defendant.  
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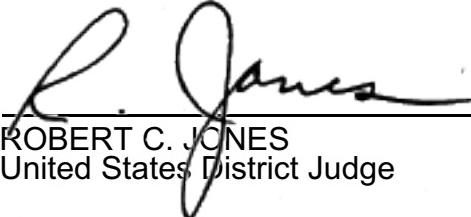
15                   On November 26, 2014 a Status Conference was held in this matter. Counsel stated  
16 that settlement had been reached for all matters except for the Cross Claim of Signature  
17 Bank against Philip Lagori. The Court gave notice to Signature Bank that they may file a  
18 proposed Default Judgment within 15 days or this matter would be dismissed without  
19 prejudice as to the Cross Claim. Signature Bank has not complied with the Notice within the  
20 allotted time.

21                   “Before dismissing the action, the district court is required to weigh several factors: (1)  
22 the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its  
23 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of  
24 cases on their merits; and (5) the availability of less drastic sanctions.” Ghazali v. Moran, 46  
25 F.3d 52, 53 (9<sup>th</sup> Cir. 1995) (internal citations and quotations omitted). All five factors point in  
26 favor of dismissal.

27                   Plaintiff has failed to show good cause why this action should not be dismissed without  
28 prejudice for want of prosecution pursuant to Local Rule 41-1.

1 IT THEREFORE ORDERED that the Cross-Claim action is DISMISSED without  
2 prejudice for Signature Bank's failure to comply with the Court's Notice of Intention to Dismiss  
3 pursuant to Local Rule 41-1 (Doc #70). The Clerk of the Court shall enter judgment  
4 accordingly and close the case.

5 DATED this 7<sup>th</sup> day of January, 2015.  
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ROBERT C. JONES  
United States District Judge